

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

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DUBLIN DIVISION

ALBERTO ESPINAL,

Petitioner,

V.

WALT WELLS, Warden,

Respondent.

CV 308-118

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. The Magistrate Judge recommended that the instant petition be dismissed because it did not state a claim for relief under § 2241. (Doc. no. 3, pp. 2-3). The Magistrate Judge noted the petition was also subject to dismissal for failure to exhaust administrative remedies. (*Id.* at 3-4).

Petitioner has asserted in his objections that exhaustion would be futile, claiming that “because of the [Bureau of Prisons’s] continuous acts of evil and continuous discriminatory mistreatment against foreign nationals in private contracted prisons, it is impossible to gain any form of administrative relief; thus, Petitioner seeks for the Court’s intervention in this extraordinary circumstance.” (Doc. no. 7, p. 3). The Court has previously considered and rejected this same argument in Rodriguez v. Wells, Civil Case No. 309-005, doc. no. 11 (S.D. Ga. Apr. 14, 2009). As Petitioner has provided nothing new that would justify excepting him

from the exhaustion requirement, this objection is **OVERRULED**.¹

Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, the above-captioned petition filed pursuant to 28 U.S.C. § 2241 is **DISMISSED**, and this case is **CLOSED**.

SO ORDERED this 26th day of May, 2009, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE

¹The remainder of Petitioner's objections are likewise without merit and are also **OVERRULED**.